

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number 24207-10108
<p>Pursuant to 240 OG 45 and the <i>Legal Framework For EFS-Web</i>, I hereby certify that this follow-on correspondence is being officially submitted through the USPTO EFS-Web system from the Pacific Time Zone of the United States on the local date shown below.</p> <p>on <u>July 9, 2007</u></p> <p>Signature <u>/Jie Zhang/</u></p> <p>Typed or printed name <u>Jie Zhang</u></p>		Application Number <b>10/814,069</b> Filed <b>March 31, 2004</b>
First Named Inventor <b>Mihai Florin Ionescu</b>		
Art Unit <b>2162</b>	Examiner <b>Dennis Y. Myint</b>	
<p>This request is being filed with a notice of appeal.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor. <u>/Jie Zhang/</u> Signature</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>60,242</u> <u>Jie Zhang</u> Typed or printed name</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>July 9, 2007</u> <u>(650) 335-7297</u> Telephone number</p>		
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>		
<input checked="" type="checkbox"/> *Total of <u>1</u> of <u>1</u> form is submitted.		

**ATTACHMENT TO THE PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Pre-appeal review is requested because the rejections in the March 7, 2007 Final Office Action are clearly improper and without any factual or legal basis. Applicant respectfully requests that the Panel indicate claims 1-12 and 14-36 recite allowable subject matter.

**I.      Status of the Claims**

Claims 1-12 and 14-36 are pending and stand rejected. Claims 1-3, 8-10, 17-19, and 24-26 are rejected under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0220913 to Doganata et al. ("Doganata"). Claims 4-7, 11, 14, 15, 20-23, 27, 30, and 31 are rejected under 35 USC § 103(a) as allegedly being unpatentable in view of Doganata and U.S. Patent Application No. 2003/0046311 to Baidya et al. ("Baidya"). Claims 29 and 34-36 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Doganata in view of Baidya and further in view of U.S. Patent No. 7,082,428 to Denny et al. ("Denny"). Claim 33 is rejected under 35 USC § 103(a) as allegedly being unpatentable over Doganata in view of Baidya and further in view of U.S. Patent Application No. 2004/0267813 to Rivers-Moore et al. ("Rivers"). Claims 12, 16, 28 and 32 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Doganata in view of Baidya and further in view of Denny and further in view of U.S. Patent Application No. 20060010150 to Shaath et al. ("Shaath").

**II.     Rejection of claims 1-3, 8-10, 17-19, and 24-26 under 35 USC 102(e) in view of Doganata**

The claimed invention relates to processing search queries. Upon receiving a given search query, the claimed invention determines whether the query has previously been received and, if so, whether at least a portion of a previously stored result set associated with the search query is valid. If the portion is valid, it is output as a search result of the search query. This

technique is useful, for example, in supporting offline searches.

To this end, independent claim 1 recites:

- (c) if the search query has been previously received,
  - (i) retrieving a previously stored result set associated with the search query, and
  - (ii) determining whether at least a portion of the previously stored result set associated with the search query is a valid search result set for the search query; and
- (d) if at least a portion of the previously stored result set associated with the search query is determined to be a valid search result set for the search query, outputting the portion of the previously stored result set associated with the search query as a search result of the search query.

The other independent claims recite similar features.

Doganata does not disclose determining whether at least a portion of a previously stored result set associated with a search query is a valid search result set for the search query, and, if so, outputting the portion as a search result of the search query. Instead, Doganata's system identifies a category for a user query and searches in a ranked list of information sources associated with the category for information matching the query (See paragraph [0020]). While Doganata does teach that the query search results can influence the ranking of the information sources in the category, Doganata's system does not store query search results and then return a valid portion of previously-stored search results as claimed.

The Examiner cited paragraphs [0023], [0024], [0039], and [0046] of Doganata for disclosure of the above-cited claim elements. However, the cited paragraphs merely describe how the system ranks information sources associated with a category, searches first in the high-ranking information sources of the category, and updates the ranked information sources based on search results. Doganata discloses storing query results "for later analysis," but the results of the analysis are "used to update the rankings of the information sources." See paragraph [0039].

The same paragraph of Doganata also describes how the query results can be passed to the user as returned results. However, these results are from the current query, and are not the claimed “previously stored result set” associated with the previously received query.

The Examiner’s rationales for rejecting these elements improperly conflate a category of information sources with a stored result set. In the Final Office Action of March 7, 2007, the Examiner stated that

by ranking of the results according their relevance and returning a higher percentage of relevant documents, the method of Doganata is essentially determining how large a portion of a category of searched results are relevant to the query. Therefore, the method is determining whether a portion of the previously stored result set associated with the search query is a valid result set for the search query.

(Emphasis added). This statement incorrectly describes the reference and does not explain how the disclosures of the reference map to the claim elements. Doganata does not disclose “a category of searched results.” Rather, the reference discloses a category having ranked information sources associated with it. Neither the category nor the information source is a “previously stored result set.” Further, even if an information source, and/or ranking within the category is considered to be a “previously stored result set,” then Doganata still does not disclose the claimed invention because an information source is not output “as a search result of the search query” as claimed.

For the above reasons, Applicant respectfully submits that the rejection of claims 1-3, 8-10, 17-19, and 24-26 is unjustified and requests reconsideration and allowance of the claims.

**III. Rejection of claims 4-7, 11, 14, 15, 20-23, 27, 30, and 31 under 35 USC 103(a) in view of Baidya and Doganata**

Baidya does not remedy the deficiencies of Doganata described above. Baidya discloses a system that crawls the Internet for web sites, extracts URLs from web sites, categorizes the

web sites and URLs, and conducts user search queries that search a subset of the web sites and URLs based on the category information (See Summary, paragraphs [0013], [0019] and [0020]). Baidya does not disclose or suggest the above cited claim elements.

Thus, Doganata and Baidya, whether taken singly or in combination, clearly fail to disclose each and every limitation of the claimed invention.

**IV. Rejection of claims 29 and 34-36 under 35 USC 103(a) in view of Doganata, Baidya, and Denny**

Denny does not remedy the deficiencies of the references described above. Denny discloses a system and method for collaborative searching. Denny's system receives search queries in a query server, which stores previously executed queries and corresponding results in a database. Subsequent search queries are compared to the stored queries in the query server. If a stored query is substantially similar to a subsequent query, Denny's system returns to the user the result corresponding to the stored query as the search result of the subsequent query. See Denny, col. 2, lines 3-11. Denny does not disclose or suggest the above cited claim elements.

Thus, Doganata, Baidya, and Denny, whether taken singly or in combination, clearly fail to disclose each and every limitation of the claimed invention.

**V. Rejection of claim 33 under 35 USC 103(a) in view of Doganata, Baidya, and Rivers**

River does not remedy the deficiencies of the references described above. River discloses a solution for a data file that enables a user to interact with data in the data file. See Rivers, Summary. The solutions are downloaded and stored locally. When a solution is needed, a unique special name for the solution identifier is computed to determine whether the solution is stored locally. If the solution is stored locally and up-to-date, Rivers's system uses the local solution, otherwise it downloads the solution from online. See Rivers, paragraphs [0079-0105],

and Fig. 7. River does not disclose or suggest the above cited claim elements.

Thus, Doganata, Baidya, and River, whether taken singly or in combination, clearly fail to disclose each and every limitation of the claimed invention.

**VI. Rejection of claims 12, 16, 28 and 32 under 35 USC 103(a) in view of Doganata, Baidya, Denny, and Shaath**

Shaath does not remedy the deficiencies of the references described above. Shaath discloses a method and system for managing a file, including determining an expiration date and a minimum lifespan for the file, and deleting the file when expired. See Shaath, paragraphs [0102-0104], and Fig. 6. Shaath does not disclose or suggest the above cited claim elements.

Thus, Doganata, Baidya, Denny, and Shaath, whether taken singly or in combination, clearly fail to disclose each and every limitation of the claimed invention.

**VII. Summary**

Based on the foregoing, Applicant respectfully submits that each of the pending rejections suffers from a clear deficiency. Accordingly, Applicant requests that the § 102 and § 103 rejections of claims 1-12 and 14-36 be withdrawn.

Respectfully Submitted,  
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Date: July 9, 2007

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